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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODOLFO VALDIVIA,

Defendant.

CASE NO. 1:20-CR-00235-JLT-SKO

STIPULATION TO CONTINUE CHANGE OF
PLEA HEARING; ORDER

COURT: Hon. Jennifer L. Thurston

STIPULATION

1. The government, by and through United States Attorney Phillip A. Talbert and Assistant United States Attorney Kimberly A. Sanchez, and the defendant Rudolfo Valdivia, by and through his counsel of record, Michael Aed, hereby stipulate as follows.

2. The parties were scheduled to appear for a change of plea on Monday, September 22, 2023.

3. However, on September 14, 2023, defense counsel learned that there was a health issue at the custodial facility in which Mr. Valdivia is being housed, and he would not be able to be transported because of that.

4. As such, the parties consulted with the Court and each other to find the earliest possible date to appear for a change of plea hearing, and after doing so ask that the matter be continued to October 10, 2023, at 10:00 AM.

1 5. The proposed change of plea date represents the earliest date that all counsel are
2 available, taking into account counsels' schedules, defense counsels' commitments to other clients, and
3 the court's available dates for a change of plea hearing.

4 a) Based on the above-stated findings, the ends of justice served by continuing the
5 case as requested outweigh the interest of the public and the defendant in a trial within the
6 original date prescribed by the Speedy Trial Act.

7 b) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
8 et seq., within which trial must commence, the time period of September 18, 2023, to October
9 10, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii) and (iv)
10 because it results from a continuance granted by the Court at defendant's request on the basis of
11 the Court's finding that the ends of justice served by taking such action outweigh the best interest
12 of the public and the defendant in a speedy trial and because the case is so unusual or so
13 complex, due to the number of defendants, the nature of the prosecution, or the existence of
14 novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial
15 proceedings or for the trial itself within the time limits established by this section. Moreover, the
16 ends of justice served by taking such action outweigh the best interest of the public and the
17 defendant in a speedy trial.

18 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22 Dated: September 15, 2023

23 PHILLIP A. TALBERT
24 United States Attorney

25 /s/ Kimberly A. Sanchez
26 KIMBERLY A. SANCHEZ
27 Assistant United States Attorney
28

1 Dated: September 15, 2023

/s/Michael Aed

MICHAEL AED

Counsel for Defendant

RODOLFO VALDIVIA

6 **ORDER**

7 Based upon the recitation set forth above, time is excluded for purposes of the Speedy Trial Act
8 through October 10, 2023.

9 IT IS SO ORDERED.

10 Dated: **September 14, 2023**


UNITED STATES DISTRICT JUDGE